

REMARKS

Claims 1-6 are currently pending in the application. In the Office Action dated February 9, 2005, claims 1-6 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. D295,776 to Johansen.

Applicant acknowledges that a verified copy of the priority document, UK Patent Application No. GB2363061A, which was published on December 12, 2001 and issued as UK Patent No. GB2363061B on March 31, 2004, has not yet been submitted.

Applicant will submit a verified copy of the priority document in due course.

Claims 1-6 were rejected as anticipated by Johansen. Rejections based upon anticipation must meet the requirement that every limitation of the rejected claim is found in the prior art reference. See MPEP § 2131. Applicant has amended claim 1 to more clearly recite that the attachment means is “affixed to and in contact with the tubular body portion”. Claim 1 is also amended to more clearly recite the function served by the loop, i.e., the loop allows “the holster to maintain a vertical or substantially vertical alignment when attached to the user, independent of movement of the user.” The Johansen reference does not disclose either of these limitations.

Referring to Figs. 5-9 of the Johansen reference, both the flexible loop and the tubular body portion are affixed to a backing plate and neither are directly affixed to or in contact with each other. The Johansen reference thus does not disclose the limitation that the flexible loop is “affixed to and in contact with the tubular body portion”, as is acknowledged in paragraph 4 of the Office Action. Moreover, the Johansen reference does not disclose a holster that maintains “a vertical or substantially vertical alignment when attached to the user, independent of movement of the user.” Rather, the Johansen reference discloses a peg-and-slot arrangement that limits movement of the holster over about a 30° angle of movement. Further, the flexible loop depicted in the Johansen reference does not allow the holster to maintain a vertical alignment independent of movement of the user. Instead, the flexible loop of the Johansen

reference substantially restricts movement of the holster such that the holster is always aligned to within about 30° with the structure to which the flexible loop is wrapped about, which from the title of the invention, "Multiple Position Fishing Pole Holder", is presumably an individual's leg. The result of the configuration disclosed in Johansen is that the holster does not have the range of movement to "maintain a vertical alignment "independent of movement of the user" at all times. For these reasons, amended claim 1 is not anticipated by the Johansen reference. Reconsideration of the rejection is therefore requested.

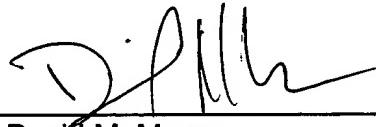
Claims 2-6 each ultimately depend from amended claim 1. Where the Johansen reference does not anticipate amended claim 1, it also does not anticipate claims 2-6. Reconsideration of the rejection to claims 2-6 is also requested.

Applicant has added new claims 14-16. The novelty of these newly presented claims lies at least in the flexible loop, how it is affixed to the tubular body portion, and its functionality in response to movement by the user and in the recitation of the "notch" limitation.

Respectfully submitted,

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